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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,498	04/17/2002	Nicholas Davis	UDL-099	2173
7590 06/10/2004			EXAMINER	
David P Gordon 65 Woods End Road Stamford, CT 06905			ABDELWAHED, ALI F	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/030,498

Applicant(s)

DAVIS ET AL.

Examiner

Ali Abdelwahed

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) 20-27 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 28-35 and 37-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: marked up copy of fig. 5 of the Jarzewiak patent.

DETAILED ACTION

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

Claims 18, 43, and 51 are objected to because of the following informalities:

It is suggested that in:

Claim 18, line 3, delete "moulded" and insert --molded--.

Claim 43, line 1, after "...at least one..." delete "of".

Claim 51, line 2, delete "plastics" and insert --plastic--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15, 29, 37, 49, and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 15 and 49 recite the limitations "the formations" and "the respective formation" in lines 2 and 3. There is insufficient antecedent basis for these limitations in the claims.

Claim 29 recites the limitations "the male array of studs" and "the panel" in lines 3, 4, and 6. There is insufficient antecedent basis for these limitations in the claim.

Claim 37 recites the limitation "the panel" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 53 recites the limitation "the male array of studs" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17, 19, 28-33, 37-51, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,799,943 to Morgan in view of U.S. Patent No. 5,833,465 to Jarzewiak.

Morgan discloses the claimed invention except for at least two substantially identical studs and sockets; the studs and sockets on the face panels are spaced from one another by a distance of $2x$, where x is the distance between the edge of the panel and the nearest extremity of a respective stud or socket; the distance between the extremities of an adjacent two of said at least two studs or sockets is substantially $2x$; the studs and sockets on the face panels are arranged in 2×2 arrays that are arranged to mate with a complementary array provided on an adjacently connecting block; face panels molded of different colored plastics; at least one of the faces of the block or a pair of opposed face panels is/are without connection formation means; and one or more face panels without connection means are arranged to carry indicia, design, character or other graphic representation. However, Jarzewiak teaches a toy building block comprising all of the aforementioned limitations (see figs.1-7, and respective portions of the specification). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy block of Morgan, in view of Jarzewiak, such that it would provide the toy block of Morgan with the aforementioned limitations for the purpose of providing a more versatile and aesthetically pleasing toy building block.

Claims 18, 34, 35, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan in view of Jarzewiak as applied to claims 1 and 30 above, and further in view of U.S. Patent No. 5,306,198 to Forman.

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Morgan, as modified, discloses the claimed invention except for the closure means to close a hollow interior of the block, the closure means including one or more wall panel elements to be connected to the shell element, the coded image edge portions are color coded by means of colored edge zones comprising a backing to a primary image, character or other emblem depicted on the element. However, Forman teaches a toy building block comprising all of the aforementioned limitations (see figs.1-5, and respective portions of the specification). It is notoriously well known in the toy block construction art to have the color edge zones uniform, since such a modification would have provided a more realistic pictorial representation. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the toy block of Morgan, as per the teachings of Forman, such that it would provide the toy block of Morgan with the aforementioned limitations for the purpose of providing a more versatile and aesthetically pleasing toy building block. Furthermore, although not relied upon by the examiner for the above rejection, please note the cited reference U.S. Patent No. 5,417,603 to De Chazal, which further illustrates the concept of color edge zones.

Claims 1-17, 19, 28-33, 37-51, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,374,917 to Troy in view of U.S. Patent No. 5,833,465 to Jarzewiak.

Troy discloses the claimed invention except for at least two substantially identical studs and sockets; the studs and sockets on the face panels are spaced from one

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another by a distance of $2x$, where x is the distance between the edge of the panel and the nearest extremity of a respective stud or socket; the distance between the extremities of an adjacent two of said at least two studs or sockets is substantially $2x$; the studs and sockets on the face panels are arranged in 2×2 arrays that are arranged to mate with a complementary array provided on an adjacently connecting block; and one or more face panels without connection means are arranged to carry indicia, design, character or other graphic representation. However, Jarzewiak teaches a toy building block comprising all of the aforementioned limitations (see figs. 1-7, and respective portions of the specification). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy block of Troy, in view of Jarzewiak, such that it would provide the toy block of Troy with the aforementioned limitations for the purpose of providing a more versatile and aesthetically pleasing toy building block.

Claims 18, 34, 35, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troy in view of Jarzewiak as applied to claims 1 and 30 above, and further in view of U.S. Patent No. 5,306,198 to Forman.

Troy, as modified, discloses the claimed invention except for the closure means to close a hollow interior of the block, the closure means including one or more wall panel elements to be connected to the shell element, the coded image edge portions are color coded by means of colored edge zones comprising a backing to a primary image, character or other emblem depicted on the element. However, Forman teaches

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a toy building block comprising all of the aforementioned limitations (see figs.1-5, and respective portions of the specification). It is notoriously well known in the toy block construction art to have the color edge zones uniform, since such a modification would have provided a more realistic pictorial representation. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the toy block of Troy, as per the teachings of Forman, such that it would provide the toy block of Troy with the aforementioned limitations for the purpose of providing a more versatile and aesthetically pleasing toy building block. Furthermore, although not relied upon by the examiner for the above rejection, please note the cited reference U.S. Patent No. 5,417,603 to De Chazal, which further illustrates the concept of color edge zones.

Response to Arguments

Applicant's arguments filed on March 22, 2004 have been fully considered but they are not persuasive.

In response to Applicant's argument concerning the Morgan reference failing to disclose each panel with the male gender formation means (at least two studs) being disposed opposite a panel with female gender formation means (at least two sockets). Examiner notes that this limitation is in fact met by the Morgan reference and can best be seen in figure 10; each panel with the male gender formation means (at least two

studs 32) being disposed opposite a panel with female gender formation means (at least two sockets 33). Examiner therefore reasserts the rejection.

In response to Applicant's argument concerning the Troy reference failing to disclose "male gender" panels with at least two studs disposed opposite respective "female gender" panels with at least two sockets. Examiner notes that this limitation is in fact met by the Troy reference and can best be seen in figure 6; "male gender" panels with at least two studs (31) disposed opposite respective "female gender" panels with at least two sockets (32). Examiner therefore reasserts the rejection.

In response to Applicant's argument concerning the Jarzewiak reference failing to disclose "the studs and sockets on male and female gender face panels are spaced from one another by a distance of substantially $2x$, where x is a distance between an edge of the panel and a nearest extremity of a respective stud or socket". Examiner notes that this limitation is in fact met by the Jarzewiak reference and can best be seen in the marked up copy of figure 5 that is attached to this office action. Examiner therefore reasserts the rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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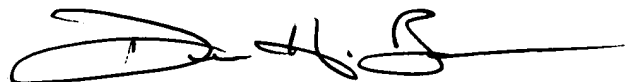
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (703) 305-3311. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

AA
06/07/2004

A handwritten signature in black ink, appearing to read 'D. H. Banks', with a long horizontal line extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700